

UNITED STATES DISTRICT COURT

for the

Southern District of Ohio

United States of America

v.

Case No. 2:23-mj-55

Guadalupe Sanchez-Cruz

Defendant(s)

CRIMINAL COMPLAINT

I, the complainant in this case, state that the following is true to the best of my knowledge and belief.

On or about the date(s) of 01/20/2023 in the county of Madison in the
Southern District of Ohio, the defendant(s) violated:

Code Section

18 U.S.C. 922(g)(5) 924(a)(8)

Offense Description

Possession of a firearm or ammunition by an alien illegally and unlawfully in the United States.

This criminal complaint is based on these facts:

See Attachment A

☒ Continued on the attached sheet.

Matthew Voytek

Complainant's signature

Matthew Voytek, ATF Special Agent

Printed name and title

Sworn to before me and signed in my presence.

Date: January 30, 2023

City and state: Columbus, OH

Kimberly A. Johnson
Kimberly A. Johnson
United States Magistrate Judge



PROBABLE CAUSE AFFIDAVIT
Guadalupe Sanchez-Cruz

I, Matthew Voytek, being duly sworn, depose and state that:

1. I have been a Special Agent with the United States Department of Justice, Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF) since January of 2022. I am a graduate of the ATF National Academy Special Agent Basic Training Program and the Federal Law Enforcement Training Center, Criminal Investigator Training Program. I worked as an Ohio State Trooper for the Ohio State Highway Patrol from February 2014 to June 2021. As a result of my training and experience as an ATF Special Agent, I am familiar with federal criminal laws pertaining to firearms violations. As a Special Agent, I am also authorized to carry firearms, execute warrants, make arrests for offenses against the United States, and perform other such duties as authorized by law.
2. This affidavit is made in support of a criminal complaint against Guadalupe SANCHEZ-CRUZ, DOB 08/23/1973, for a violation of 18 U.S.C. Sections 922(g)(5) and 924(a)(8) Possession of a firearm or ammunition by an alien illegally and unlawfully in the United States.
3. The facts set forth within this affidavit are based upon my training and experience, consultation with other experienced investigators and agents, review of related police reports, and other sources of information relative to firearms investigations. This affidavit is intended to set forth probable cause in support of the criminal complaint and does not purport to set forth all of my knowledge regarding this investigation.
4. On January 20, 2023, at approximately 0910 hours Sergeant. T. Williamson was conducting supervisor ride time with Trooper. M. Wilson. Both were observing eastbound traffic along Interstate 70. Troopers were stationary in a marked crossover at mile post 72. Trooper Wilson observed a white pickup truck approaching in the left lane. The pickup drew Trooper Wilson's attention as it was severely tailgating a vehicle in front of it. There was approximately one car length between the two vehicles. As the truck passed the troopers' location, Trooper Wilson observed the truck as it went away from them. About a quarter mile away from the troopers, the truck made an abrupt, rapid lane change to the middle lane. There were other vehicles around making this maneuver unsafe. At this time troopers pulled out of the crossover and started to catch up to the pickup truck. As Trooper Wilson was catching up to the truck, they noticed that the vehicle appeared to be speeding. The vehicle started slowing the closer Trooper Wilson got to it. The vehicle was estimated at 80 MPH. The radar was at 77-76 MPH for a paced speed as the vehicle continued to slow all the way down to 65 MPH. At 0913 hours, Trooper Wilson activated his overhead lights, and both vehicles came to a stop on the right berm.

5. Sergeant Williamson stayed back as Trooper Wilson did a passenger side approach. The right front window was rolled down and Trooper Wilson spoke to the two ale occupants. The driver identified himself as Gerson MARIONA BEJARNO and provided an Indiana driver's license. MARIONA BEJARNO was asked for the registration and insurance. MARIONA BEJARNO stated that the truck was a rental. MARIONA BEJARNO opened his phone and started to pull up the rental agreement. As troopers waited for MARIONA BEJARNO to locate the rental agreement, Trooper Wilson asked what brought them all the way to Ohio, and no one answered. MARIONA BEJARNO located the rental agreement. The agreement showed that MARIONA BEJARNO had rented the vehicle in Indiana on January 19, 2023, and the vehicle was due back on January 21, 2023. Trooper Wilson again asked what brought them to Ohio. MARIONA BEJARNO said that they were going to Ohio to look at a Tacoma, and then they were going to New Jersey. Trooper Wilson asked what the items were in the bed of the truck, and if it was equipment. There were items wrapped up in an oversized tarp, secured with rope and ratchet straps. The items were wrapped so well that you could not see between the tarp and the packages. MARIONA BEJARNO looked to the passenger for an answer to the troopers' questions and said that it was equipment after SANCHEZ-CRUZ responded in Spanish back to MARIONA BEJARNO. Trooper Wilson started to walk back to his cruiser and advised Sergeant Williamson that he was going to request Trooper Lawrence to come to the scene with his drug detection canine. Sergeant Williamson went to speak with the occupants while Trooper Wilson conducted records checks.
6. At approximately 0919 hours Sergeant Williamson came back to the cruiser. Trooper Lawrence arrived on scene. Sergeant Williamson handed Trooper Wilson the passengers Consulate Card from Mexico. The passenger was identified as Guadalupe SANCHEZ-CRUZ. Trooper Lawrence deployed his canine and advised that it was a positive indication to narcotic odor. Sergeant Williamson and Trooper Wilson moved to the items that were in the tarp. Sergeant Williamson asked MARIONA BEJARNO what the boxes were, and MARIONA BEJARNO said that SANCHEZ-CRUZ told him it was tools. Sergeant Williamson clarified and said "so it's that guy's stuff" referencing SANCHEZ-CRUZ. MARIONA BEJARNO said yeah. Troopers then removed the tarp and there were two, heavily plastic wrapped Home Depot boxes. Sergeant Williamson removed the wrap and discovered boxes containing firearms. The following firearms were recovered:
- HS PRODUKT (IM METAL), CAL: 9, MODEL: HELLCAT, SN: B8248910;
 - TAURUS, CAL: 9, MODEL: G2C, SN: ADG454581;
 - TAURUS, CAL: 9, MODEL: G2C, SN: ADC048701;
 - SIG-SAUER, CAL: 9, MODEL: P320, SN: 58C348744;
 - SIG-SAUER, CAL: 9, MODEL: P320, SN: 58A032013;
 - GLOCK GMBH, CAL: 9, MODEL: 19GEN5, SN: BEVL040;
 - BERETTA, PIETRO S.P.A, CAL: 9, MODEL: APX, SN: A128189X;
 - SIG-SAUER, CAL: 9, MODEL: P365 SAS, SN: 66B719523;
 - RUGER, CAL: 380, MODEL: LCP 11, SN: 380148234;
 - GLOCK GMBH, CAL: 9, MODEL: 19TGEN5, SN: BTPN101;
 - GLOCK INC., CAL: 9, MODEL: 19CGEN4, SN: ADAB758;
 - GLOCK GMBH, CAL: 9, MODEL: 19GEN4, SN: BGWG709;

- GLOCK GMBH, CAL: 9, MODEL: 45, SN: BVXC785;
 - GLOCK GMBH, CAL: 9, MODEL: 45, SN: BMFC095;
 - RUGER, CAL: 380, MODEL: LCP, SN: 373-13053;
 - TAURUS, CAL: 380, MODEL: SPECTRUM, SN: 1 F1 49795;
 - TAURUS, CAL: 380, MODEL: SPECTRUM, SN: 1F055415;
 - CZ USA, CAL: 9, MODEL: CZ P-10 S, SN: UC07971;
 - BERETTA, PIETRO S.P.A, CAL: 9, MODEL: 92FS, SN: A273532Z;
 - TAURUS, CAL: 9, MODEL: G3, SN: ADG458337;
 - RUGER, CAL: 22, MODEL: 22/45 LITE, SN: 309-51206;
 - TAURUS INTERNATIONAL CAL: 380, MODEL: PT738, SN: 85954D;
 - TAURUS INTERNATIONAL CAL: 9, MODEL: PT111 PRO, SN: TDR30816;
 - CZ (CESKA ZBROJOVKA), CAL: 9, MODEL: CZ P-09, SN: C644403;
 - SMITH & WESSON, CAL: 380, MODEL: BODYGUARD, SN: EAF1 296;
 - RUGER, CAL: 380, MODEL: LCP 11, SN: 380215378;
 - SMITH & WESSON, CAL: 380, MODEL: BODYGUARD, SN: EAP3666;
 - RUGER, CAL: 22, MODEL: LCP 11, SN: 381079469;
 - RUGER, CAL: 380, MODEL: LCP II, SN: 380537830;
 - RUGER, CAL: 22, MODEL: LCP 11, SN: 380727171;
 - CZ (CESKA ZBROJOVKA), CAL: ZZ, MODEL: UNKNOWN TYPE, SN: 21A7897;
 - DOUBLE STAR CORP., CAL: 556, MODEL: STAR 15, SN: DS15849;
 - ROCK RIVER ARMS, INC., CAL: 556, MODEL: LAR 15, SN: CM24316;
 - DEL-TON INC., CAL: 556, MODEL: DTI- 15, SN: B45726;
 - ANDERSON MANUFACTURING, CAL: MULTI, MODEL: AM-15, SN: 18310326;
 - ANDERSON MANUFACTURING, CAL: MULTI, MODEL: AM-15, SN: 18310327;
 - PALMETTO STATE ARMORY, CAL: MULTI, MODEL: PA-15, SN: SCD066790;
 - ANDERSON MANUFACTURING, CAL: MULTI, MODEL: AM-15, SN: 21149660;
 - ROMARM/CUGIR, CAL: 762, MODEL: WASR-10, SN: ROA22A1-92446;
 - CENTURY ARMS INTERNATIONAL, CAL: 762, MODEL: VSKA, SN: SV711 7751;
 - CENTURY ARMS INTERNATIONAL, CAL: 762, MODEL: GP 1975 SPORTER, SN: Z002615;
 - INTERARMS SP.ZO.O. (RADOM, POLAND), CAL: 762, MODEL: SPORTER, SN: PAC114813221;
 - REMINGTON ARMS COMPANY, INC., CAL: 20, MODEL: 870, SN: CC36290B;
 - CZ USA, CAL: ZZ, MODEL: UNKNOWN TYPE, SN: 20A1413; and
 - WINCHESTER, CAL: 12, MODEL: 1400 MKII, SN: N821627.
7. On January 20, 2023, subsequent to the traffic stop of MARIONA BEJARIO and SANCHEZ-CRUZ, ATF SA Matthew Voytek received information from the Ohio State Highway Patrol (OSHP) of the traffic stop on Interstate 70 near milepost 72 in London, Ohio. OSHP explained that they located approximately forty-three firearms and firearm accessories being transported in a rental vehicle that originated in Indiana by two individuals. OSHP requested ATF assistance in investigating potential federal violations of law. The aforementioned firearms were secured in ATF property.
 8. While at the OSHP West Jefferson Post, United States Customs, and Immigration Enforcement (ICE) Enforcement and Removal Operations (ERO) agents were requested by ATF investigators to assist with confirming the identity and immigration status of SANCHEZ-CRUZ. ICE agents then took SANCHEZ-CRUZ into custody for being an

alien present in the United States without admission. SANCHEZ-CRUZ was subsequently transported to an ICE detention facility in Kentucky.

9. Your Affiant confirmed via ATF resources that the aforementioned firearms possessed by SNACHEZ-CRUZ on or about January 20, 2023, were not manufactured in the State of Ohio and therefore had previously traveled in interstate commerce to reach the State of Ohio.
10. SANCHEZ-CRUZ has no legal status to be in the United States.
11. The aforementioned offenses occurred in Madison County, Ohio, in the Southern Judicial District of Ohio.
12. Based upon the aforementioned information and events, your affiant believes that probable cause exists to believe that on or around January 20, 2023, Guadalupe SANHCEZ-CRUZ, knowing he was an illegal alien and unlawfully in the United States, did knowingly possess firearms, and the firearms were in an affecting interstate commerce, in violation of Title 18, United States Code Sections 922(g)(5) and 924(a)(8) Possession of a firearm or ammunition by an alien illegally and unlawfully in the United States.


Matthew Voytek, ATF Special Agent

Sworn to before me and signed in my presence.


Kimberly A. Johnson
United States Magistrate Judge



January 30, 2023

Date